

No. 14-841
Vide 14-840

Title:	EnerNOC, Inc., et al., Petitioners
	v.
	Electric Power Supply Association, et al.
Docketed:	January 16, 2015
Linked with 14A599	
Lower Ct:	United States Court of Appeals for the District of Columbia Circuit
Case Nos.:	(11-1486, 11-1489, 12-1088, 12-1091, 12-1093)
Decision Date:	May 23, 2014
Rehearing Denied:	September 17, 2014

Questions Presented

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Dec 5 2014	Application (14A599) to extend the time to file a petition for a writ of certiorari from December 16, 2014 to January 15, 2015, submitted to The Chief Justice.
Dec 8 2014	Application (14A599) granted by The Chief Justice extending the time to file until January 15, 2015.
Jan 15 2015	Petition for a writ of certiorari filed. (Response due February 17, 2015)
Feb 11 2015	Order extending time to file response to petition to and including March 19, 2015, for all respondents.
Feb 11 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for respondents Electric Power Supply Association, et al. VIDED.
Feb 17 2015	Brief of respondent California Independent System Operator in support filed. VIDED.
Feb 17 2015	Motion for leave to file amicus brief filed by NRG Energy, Inc. VIDED.
Feb 17 2015	Brief amici curiae of Fourteen Utilities Including Consolidated Edison Co. of New York and Affiliates, et al. filed. VIDED.
Feb 17 2015	Brief of respondents California Public Utilities Commission, et al. in support filed. VIDED.
Feb 17 2015	Brief amici curiae of Delaware Division of the Public Advocate, et al. filed. VIDED.
Feb 18 2015	Brief amici curiae of Electricity Consumers and Demand Response Providers filed. VIDED.
Mar 19 2015	Brief of respondents Electric Power Supply Association, et al. in opposition filed. VIDED.
Apr 7 2015	Reply of petitioners EnerNOC, Inc., et al. filed. VIDED. (Distributed)
Apr 8 2015	DISTRIBUTED for Conference of April 24, 2015.
Apr 27 2015	DISTRIBUTED for Conference of May 1, 2015.
May 4 2015	Motion for leave to file amicus brief filed by NRG Energy, Inc. GRANTED. Justice Alito took no part in the consideration or decision of this motion.
May 4 2015	Petition GRANTED The petition for a writ of certiorari in 14-840 is GRANTED. The cases are consolidated and a total of one hour is allotted for oral argument. The cases are granted limited to the following Questions: 1) Whether the Federal Energy Regulatory

	Commission reasonably concluded that it has authority under the Federal Power Act, 16 U. S. C. 791a et seq., to regulate the rules used by operators of wholesale electricity markets to pay for reductions in electricity consumption and to recoup those payments through adjustments to wholesale rates. 2) Whether the Court of Appeals erred in holding that the rule issued by the Federal Energy Regulatory Commission is arbitrary and capricious. Justice Alito took no part in the consideration or decision of these petitions. VIDED.
May 13 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for petitioner EnerNOC.
May 27 2015	The time to file the joint appendix and petitioners' briefs on the merits is extended to and including July 9, 2015. VIDED
May 27 2015	The time to file respondents' briefs on the merits is extended to and including August 31, 2015. VIDED
Jun 22 2015	Letter of amendment to financial disclosure statement received from counsel for respondents Electric Power Supply Association, et al. VIDED
Jun 22 2015	Consent to the filing of amicus curiae briefs, In support of eithr party or of neither party, received from counsel for Electric Supply Association, et al. VIDED.
Jun 29 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for petitioners EnergyConnect, Inc., Coalition of MISO Transmission Customers, and PJM Industrial Coalition, and Viridity Energy, Inc. VIDED.
Jul 6 2015	Consent to the filing of amicus curie briefs, in support of either party or of neither party, received from counsel for PJM Interconnection LLC VIDED.
Jul 8 2015	Letter from counsel for respondent in support California Independent System Operator (CAISO) notifying Clerk that it will not be filing a brief on the merits in these proceedings. VIDED.
Jul 9 2015	Brief of petitioners EnerNOC, Inc., et al. (Private Petitioners) filed. VIDED.
Jul 9 2015	Joint appendix filed. (Two Volumes) VIDED.
Jul 9 2015	Brief of respondent Joint States in support of FERC filed. VIDED.
Jul 9 2015	Brief of respondent California Public Utilities Commission in support of FERC filed. VIDED.
Jul 9 2015	Brief of respondent PJM Interconnection, LLC in support of FERC filed. VIDED.
Jul 10 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for the petitioner in No. 14-840. VIDED
Jul 16 2015	Brief amicus curiae of NRG Energy, Inc. in support of neither party filed. VIDED.
Jul 16 2015	Brief amicus curiae of Electricity Consumers and Demand Response Providers filed. VIDED.
Jul 16 2015	Brief amicus curiae of Charles J. Cicchetti filed. VIDED.
Jul 16 2015	Brief amicus curiae of Energy Law Scholars filed. VIDED.
Jul 16 2015	Brief amicus curiae of Microgrid Resources Coalition filed. VIDED.
Jul 16 2015	Brief amicus curiae of Stanford Economics Professor Charles D. Kolstad filed. VIDED.
Jul 16 2015	Brief amici curiae of Grid Engineers and Experts in support of neither party filed. VIDED.
Jul 16 2015	Brief amici curiae of Illinois, et al filed. VIDED.
Jul 16 2015	Brief amicus curiae of The Guarini Center on Environmental, Energy and Land Use Law at New York University School of Law filed. VIDED.
Jul 16 2015	Brief amici curiae of Conservation Law Foundation, et al. filed. VIDED.
Jul 29 2015	SET FOR ARGUMENT on Wednesday, October 14, 2015. VIDED
Jul 31 2015	CIRCULATED

Aug 12 2015	Record requested from U.S.C.A. District of Columbia Circuit.
Aug 26 2015	Record received from U.S.C.A. District of Columbia Circuit is electronic and available on PACER. A copy of the transcript of oral arguments is available electronically.
Aug 31 2015	Brief of respondents Midwest Load-Serving Entities filed. VIDED. (Distributed)
Aug 31 2015	Brief of respondents Electric Power Supply Association, et al. filed. VIDED. (Distributed)
Sep 1 2015	Brief amici curiae of CES and Dr. Silkman filed. VIDED. (Distributed)
Sep 4 2015	Record from the Federal Energy Regulatory Commission, sent by the U.S. Dept. of Justice is electronic. The record can be accessed on the Federal Energy Regulatory Commission public eLibrary website.
Sep 4 2015	Motion for divided argument filed by the Solicitor General. VIDED.
Sep 4 2015	Brief amici curiae of North Carolina Utilities Commission, et al. filed. VIDED. (Distributed)
Sep 8 2015	Brief amici curiae of Robert L. Borlick, et al. filed. VIDED. (Distributed)
Sep 8 2015	Brief amici curiae of Indiana, et al. filed. VIDED. (Distributed)
Sep 8 2015	Brief amicus curiae of Public Utility Law Project of New York filed. VIDED. (Distributed)
Sep 8 2015	Brief amicus curiae of Southern Company Services, Inc. filed. VIDED. (Distributed)
Sep 8 2015	Brief amici curiae of Nuclear Energy Institute and America's Natural Gas Alliance filed. VIDED. (Distributed)
Sep 8 2015	Brief amicus curiae of Public Service Commission of New York filed. VIDED. (Distributed)
Sep 24 2015	Reply of petitioners EnerNOC, Inc., et al. (Private Petitioners) filed. VIDED. (Distributed)
Sep 25 2015	Reply of respondent California Public Utilities Commission filed. VIDED. (Distributed)
Sep 28 2015	Motion for divided argument filed by the Solicitor General GRANTED. Justice Alito took no part in the consideration or decision of this motion. VIDED
Sep 29 2015	Reply of respondents Joint States filed. VIDED. (Distributed)
Oct 14 2015	Argued. For federal petitioner: Donald B. Verrilli, Jr., Solicitor General, Department of Justice, Washington, D. C. For private petitioners: Carter G. Phillips, Washington, D. C. For respondents: Paul D. Clement, Washington, D. C. VIDED
Oct 15 2015	Letter from Clerk of Court to counsel of record for the parties in No. 14-840 & No. 14-841.